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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,481	09/30/2003	Brian Gerald Rich	0145P32US02	3891
23550	7590	06/21/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			ST CYR, DANIEL	
3 E-COMM SQUARE			ART UNIT	PAPER NUMBER
ALBANY, NY 12207			2876	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,481

Applicant(s)

RICH ET AL.

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/24/04, 12/17/03

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: line 2, "an optical fiber" should be changed to --a first optical fiber--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Rouquette, US Pub.2003/0117025.

Rouquette discloses an electrical power distribution and communication system for underwater cable comprising: a first optical fiber sub-cable 85 for carrying an optical signal having terminations at a source and a detector of a processor; a communication sub-cable 43 for providing data communications; a pair of power (38/41, 42/46) conductors for distributing power; an over-jacket 15 for encasing said first optical fiber sub-cable and said pair of power conductor; a central filler 87 for providing strength to said perimeter security cable; and strength members 84 provided between said central filler and said over-jacket 15 for providing a tight structure to said security cable; wherein local vibrations of said optical fiber sub-cable by an intrusion produce an optical parameter change so as to enable detection along the length of said security cable by said processor (see figure 14; page 14, left col., line 29+).

Re claim 2, wherein said data communications are for a communications system external to said intrusion detection system and said security cable serves primarily to provide for secure Communications (some type of security is inherently involved in data communication).

Re claim 3, further including an additional optical fiber sub-cable for accommodating additional communications and said security cable serves primarily to provide for secure communications (at least 2 fibers 85 are shown in figure 140).

Re claim 4, wherein said data communications are for said intrusion detection system and said security cable serves primarily to provide for perimeter security (the cable is capable of being used for perimeter security).

Re claim 5, wherein said pair of power conductors are for distributing power to said intrusion detection system and said security cable serves primarily to provide for perimeter security (see page 14, left col., lines 29-46).

Re claim 6, wherein said pair of power conductors are for distributing power external to said intrusion detection system and said security cable serves primarily to provide for power distribution (see claim 5).

Re claim 7, wherein said data communications are for both said intrusion detection system and a communications system external to said intrusion detection system and said security cable serves both to provide for secure communications and to provide for perimeter security (see page 14, left col., lines 29-46).

Re claim 8, wherein said data communications are for both said intrusion detection system and

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a communications system external to said intrusion detection system, said pair of power conductors are for distributing power to both said intrusion detection system and external to said intrusion detection system, and said security cable serves to provide for combined power distribution, secure communications, and perimeter security.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redfern, US patent No. 4,144,530. Rutterman et al, US Patent No. 6,249,628. Swanson et al, US Pub. No. 2003/0020610.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS
6/7/05

Daniel St.Cyr
Primary Examiner
Art Unit 2876

